



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the COURTS*

Office of the Director

Judge John W. Smith

Director

PO Box 2448, Raleigh, NC 27602

T 919 890-1391 F 919 890-1915

Date: September 10, 2014

To: Family Court Chief District Court Judges

From: John W. Smith, Director

A handwritten signature in blue ink, appearing to read "J. Smith", written over the "From:" line.

Re: **Reclassification of VACANT Family Court Coordinator Positions Before Posting**

The Administrative Office of the Courts has consistently supported the Family Court Program in North Carolina since its creation as a recommendation from the Commission on the Future of Justice and the Courts in 1996, and we advocated for adequate funding and preservation of the program through the last five cycles of budget reductions. Our support for the program remains solid and unwavering. However, we must be realistic in light of the history and content of the recent legislative debate about funding. This reassessment is even more compelling since we have just received instructions from the Office of State Budget and Management asking that we provide recommendations for a further 2% budget reduction plan for the up-coming long session. Let me reassure everyone that we will resist that request and recommend full funding for the courts and full funding for Family Court.

The General Assembly strongly considered the elimination of all funding for Family Court during the 2014 short session. This was at least the fourth time such a cut has been openly considered. Each time, the program was retained; but each time the decision to fund the program was tied to a special provision requiring that we study and report on the program to our appropriations subcommittee and the Legislative Oversight Committee. Because of statements made by several of our legislators during the recent legislative debates on the current budget, and because there is no indication that funding for Family Court is secure, we must make some hard decisions about filling vacancies in the Family Court program as they occur over the next ten months. We can confidently infer that although the program was "saved" for the short session the question of funding will be re-addressed in the upcoming long session. Given the uncertainty of the situation and the fact that we will not be in a position to sustain the program without a continuing financial commitment from the General Assembly, I have directed our Human Resources Division to implement several measures.

First, we are revising downward the salary range for all vacant Family Court Coordinator positions as the vacancies occur for reasons discussed below. The adjusted salary will apply to any Family Court Coordinator positions that become vacant for the remainder of this fiscal year. Second, we are reclassifying or more accurately re-titling all Family Court Coordinator positions that become

vacant during the remainder of this fiscal year across all Family Court Programs statewide. To distinguish the reclassified vacant position from existing Family Court Coordinator positions, we will use the new title of Family Court Judicial Assistant. Salient factors prompting these measures and the procedure for implanting them include the following:

1. Our current situation and the problem it presents: Family Court Coordinator positions are currently classified at a pay scale higher than a deputy clerk who has the same or similar levels of education and experience. The same is true for Judicial Assistant 1 positions. The starting salary range for each is:
  - a. Current FCC starting salary at minimum qualifications: \$38,942.
  - b. Current Deputy Clerk with FCC-equivalent qualifications: \$32,610.
  - c. Current JA-1 starting salary range: \$28,353 to a max of \$34,477.
2. Postings for Family Court Coordinator positions tend to attract applicants from clerks' offices or from JA-1 (Judicial Assistant 1) positions whose pay scales are below that of current Family Court Coordinators.
3. It is not clear that these Family Court Coordinator positions will be funded beyond this fiscal year and as a matter of policy we do not want to attract applicants who have stable employment when the positions may be subject to elimination in less than twelve months.
4. In discussions with Family Court Chief District Judges and administrators, we are very concerned that this reduced salary plan will have a negative impact on attracting a professional staff necessary and appropriate to sustain continuity and the level of services to which the program aspires and which the public has come to expect. However, given the current job market, we believe that while revising downward the compensation levels of new applicants, we can still attract a qualified applicant who can, at least for the next ten months, perform duties beneficial to the Family Court Program. Whether the revised salary levels can attract and retain applicants with capabilities sufficient to sustain the Family Court Program remains to be seen, but that issue can be reassessed if the General Assembly follows our recommendation and continues to support the Family Court Program.
5. If these Family Court Coordinator positions are filled as they become vacant, we want to make it clear that the positions are indeed to be used exclusively for the Family Court Program. Hence, we are changing the title to Family Court Judicial Assistant. The positions cannot be locally reassigned to duties other than Family Court duties and are to be clearly distinguished from other existing Judicial Assistant positions. The source of funding for the re-designated positions will not change. Since they are funded as Family Court positions they are to be used exclusively for Family Court.
6. Whether or not the Family Court Coordinator/Family Court Judicial Assistant job duties are revised to reallocate Family Court duties between these newly classified positions and existing Family Court Coordinator positions remains within the discretion of the local hiring authorities in consultation with the NCAOC. Our presumption is that postings will be very

similar if not identical to former postings for Family Court Coordinator positions, with the modified salary range.

7. Modifying the job title to distinguish the new reclassifications from existing Family Court Coordinators preserves intact the existing Family Court Coordinator positions and the duties of current employees. None of these reclassifications will affect any current employee. Current Family Court Coordinator positions will be reclassified only when a vacancy occurs during this fiscal year.
8. We do not want to hold the positions vacant until we have a better idea about legislative funding, which is the other alternative we considered. The programs need the positions if they are to continue to function. However, if the Chief District Court Judge prefers that alternative, we will certainly hold the position vacant until the future of the program is more certain.
9. The plan was presented to a conference of the Family Court Chief District Judges and Family Court Administrators at their recent seminar at the School of Government where it was thoroughly discussed.

This solution is an appropriate compromise that allows the positions to be filled without attracting applicants with a higher salary offer than the pool of applicants is likely to be receiving (especially if the applicant is coming from the clerks or JAs). It also makes clear to potential applicants that we have no assurance the position will continue past the end of the fiscal year. While this step is regrettable, we cannot in good conscience permit prospective applicants to be recruited and attracted to these important and highly sought-after positions without a better forecast of assured funding from the General Assembly than we presently have. We have supported the Family Court model and advocated for funding through five sessions and will continue advocating for the future. As soon as we have a better assessment of the intentions of the General Assembly, we will reassess this situation.